

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TORREY DAVIDSON,

Plaintiff(s),

vs.

ADVANCED AUTO PARTS

LOCATOR, et al.,

Defendant(s).

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Case No. 4:06CV00607-ERW

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff's Counsel's Motion to Dismiss Without Prejudice [doc. #90].

Plaintiff filed suit against numerous Defendants, alleging numerous violations of his statutory and constitutional rights. All Defendants, except Advanced Auto Parts Locator, were granted summary judgment against Plaintiff, in this Court's order dated August 9, 2007. On August 20, 2007, Plaintiff's counsel filed the pending Motion to Dismiss without Prejudice. The Court held a telephone conference on this date, and will now address the motion.

Plaintiff's counsel represented to this Court, in its written motion, and in the hearing before this Court, that he had made repeated attempts to contact his client in order to prepare for the upcoming trial. Plaintiff's counsel has attempted to correspond with the Plaintiff via phone, mail, and has personally visited the Plaintiff's last known residence. The Court grants Plaintiff's counsel leave to withdraw. The Court also finds that the case cannot continue to trial without the participation of the Plaintiff. Plaintiff will have five (5) days from the date of this order to respond to this Court, and show cause why the case should not be dismissed with prejudice.


Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Counsel's Request to Withdraw as Appointed Counsel is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff Torrey Davidson has five (5) days to show cause why this case should not be dismissed with prejudice. If Plaintiff fails to respond by Wednesday, August 29, 2007, the case shall be dismissed with prejudice.

IT IS FURTHER ORDERED that copies of this order shall be sent by U.S. and certified mail to the Plaintiff at his last known address: 6953 Chippewa, Apt 1-E, St. Louis, Missouri 63109.

Dated this 22nd Day of August, 2007.

A handwritten signature in black ink, appearing to read "E. Richard Webber", is written over a horizontal line.

E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE